

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Matthew L. Priestley

v.

Civil No. 16-cv-387-JL

Rockingham County Department of  
Corrections et al.<sup>1</sup>

**REPORT AND RECOMMENDATION**

Matthew L. Priestley, an inmate in the custody of the Rockingham County Department of Corrections, filed an action suing county agencies and employees, and private party medical providers, asserting claims of negligence and violations of his federal constitutional rights. This court's December 19, 2016 Order (Doc. No. 5) states that the complaint appeared to lack sufficient detail to state a federal claim upon which relief could be granted, and granted plaintiff leave to file an amended complaint by January 18, 2017 to state a claim that his federal rights had been violated. That Order specifically warned plaintiff that if, by January 18, 2017, he failed to file either


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<sup>1</sup>Defendants named by Priestley are the Rockingham Department of Corrections ("RCDC"); RCDC Superintendent Stephen A. Church; RCDC Deputy Superintendent Maj. Dave Consentino; an unnamed RCDC Mental Health Department Counselor or Psychiatrist; RCDC Corrections Officer Balluck, whose first name is unknown; Prime Care Medical, Inc. ("PCMI"); RCDC/PCMI Nurse Nikki, whose last name is unknown ("LNU"); and RCDC/PCMI Nurse Nate LNU.

an amended complaint or a motion to extend time to file an amended complaint, the court might recommend that the case be dismissed for failure to state a federal claim, or for failure to prosecute.

For reasons stated in the December 19, 2016 Order (Doc. No. 5), incorporated here by reference, the complaint fails to state a claim upon which relief can be granted. Plaintiff has neither amended the complaint, nor filed any other response to the December 19, 2016 Order (Doc. No. 5). Accordingly, the district judge should issue an order approving this Report and Recommendation, and dismissing this action without prejudice, pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen day period may be extended upon motion. Failure to file objections within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).

  
Andrea K. Johnstone  
United States Magistrate Judge

February 16, 2017

cc: Matthew L. Priestley, pro se